

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRAINTECH, INCORPORATED

Plaintiff /
Counter-Defendant,

CIVIL ACTION NO. 09-10454

v.

DISTRICT JUDGE VICTORIA A. ROBERTS

ADIL SHAFI,

MAGISTRATE JUDGE VIRGINIA M. MORGAN

Defendant / Counter-Plaintiff,

v.

FREDERICK W. WEIDINGER,

Counter-Defendant.

ORDER GRANTING IN PART and DENYING IN PART
NON-PARTY ADVENOVATION, INC.'S AMENDED MOTION TO QUASH
SUBPOENAS (D/E #61) and
ADIL SHAFI'S AMENDED MOTION FOR PROTECTIVE ORDER (D/E #62)

Plaintiff/Counter-Defendant Braintech, Incorporated ("Braintech") originally brought this action seeking declaratory relief and the rescission of sales agreement between it and defendant/counter-plaintiff Adil Shafi due to material misrepresentation, fraudulent inducement, and substantial breach of the agreements (D/E #1). Shafi subsequently filed a counter-claim against Braintech and Frederick Weidinger alleging breach of contract, fraud and fraud in the

inducement, violation of § 10(b) of the Exchange Act, violation of the Michigan Uniform Securities Act, conversion, and unjust enrichment (D/E #5, #8, #19). On June 3, 2010, the Honorable Victoria A. Roberts issued an order stating:

This Court entered an Order on April 7, 2010 and again on May 19, 2010, notifying Plaintiff Braintech that as a corporation it could not appear in Federal Court without an attorney. The Court gave Braintech until May 21, 2010 for counsel to file an appearance. No counsel had filed an appearance.

Accordingly, Plaintiff's Complaint is dismissed.

The case will proceed on Counter-Plaintiff/Third-Party Plaintiff Shafi's claim against Counter-Defendant/Third-Party Defendants Weidinger and Braintech.

[D/E #36]

The matter comes before the court on non-party Adenovation, Inc.'s Amended Motion to Quash Subpoenas (D/E #61) and Shafi's Amended Motion for Protective Order (D/E #62). Braintech and Weidinger filed a combined response in opposition to those motions (D/E #67) and Shafi filed a reply to that response (D/E #69). On December 17, 2010, the court held a hearing with respect to the motions. For the reasons stated on the record at that hearing, Adenovation, Inc.'s Amended Motion to Quash Subpoenas (D/E #61) and Shafi's Amended Motion for Protective Order (D/E #62) are **GRANTED IN PART and DENIED IN PART**. Specifically:

1. The subpoenas to Adenovation, Inc. and Aptura Machine Vision Solutions are quashed except with respect to the source codes. The source codes will be produced subject to a protocol agreed upon by counsel.
2. Defendant/Counter-Plaintiff Shafi will supplement his Rule 26 disclosures and produce evidence of payments of debts.

3. No costs to either side.

SO ORDERED.

s/Virginia M. Morgan
United States Magistrate Judge

Date: December 17, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, December 17, 2010, using the ECF system.

s/William Barkholz
Case Manager